

**UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Western Division**

**U.S.A. vs. Heather Lin Hernan**

**Docket No. 7:14-MJ-1142-1**

**Petition for Action on Probation**

COMES NOW Eddie J. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment of Heather Lin Hernan, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 5), was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge on April 1, 2015, to 12 months probation under the conditions adopted by the court.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS  
FOLLOWS:**

On May 27, 2015, the defendant was arrested and charged in Sampson County, NC, with the offense of Simple Assault (15CR51202). According to the warrant, the defendant assaulted Joan Hall, her mother, by hitting her in the right eye. This officer spoke with Ms. Hall who reports that the defendant was verbally abusive to her for about two hours prior to the incident. When Ms. Hall was driving the defendant back to her residence, she reports the defendant started to strike her. Ms. Hall states she made a defensive move and grabbed the defendant's arms to keep her from hitting her. When she did, the defendant removed some items from the glove compartment and threw them at Ms. Hall striking her in the eye which resulted in a cut. The defendant was confronted about the conflict and states she was only trying to defend herself. Hernan has been instructed to have no contact with Ms. Hall until the case is resolved in state court. As a sanction for the assault, we are recommending that the defendant be required to serve five days in jail. Additionally, the defendant and her mother report that she may benefit from mental health counseling.

As a condition of supervision, the defendant was required to complete a driving while impaired assessment within 30 days of the judgment. As of this date, she has not completed the assessment. The defendant is unemployed and dependent on others to support her. She has been instructed to obtain employment so she can pay for the assessment. At this time, it is recommended that supervision be continued.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 5 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt

Robert K. Britt  
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: 910-354-2537  
Executed On: May 29, 2015

**ORDER OF THE COURT**

Considered and ordered this 29 day of May, 2015 and ordered filed and  
made a part of the records in the above case.

  
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Robert B. Jones, Jr.  
U.S. Magistrate Judge